



City of Santa Barbara

MEASURE E ALLOCATION AND SUBMITTAL REQUIREMENTS

RESOLUTION NO. 09-058

A RESOLUTION OF THE COUNCIL OF THE CITY OF SANTA BARBARA ESTABLISHING PROCEDURES FOR ADMINISTRATION OF THE AMENDMENTS TO TITLES 28 AND 29 OF THE MUNICIPAL CODE IMPLEMENTING THE GENERAL PLAN UPDATE GROWTH DECISIONS AND CHARTER SECTION 1508, AND RESCINDING RESOLUTION NO. 99-036.

A. On April 27, 1989, the City Council adopted a series of recommendations on proposed amendments to the City's General Plan and instructed the staff to begin preparation of ordinances and resolutions to implement those recommendations.

B. On November 7, 1989, the voters of the City of Santa Barbara adopted a charter amendment restricting the amount of nonresidential growth which can occur over the next twenty years and directing the Council to adopt measures to assure that those restrictions are not exceeded.

C. On February 12, 1991, the City Council adopted amendments to the Zoning Ordinance to implement the Growth Decisions and Charter Section 1508.

D. On June 18, 1991, the City Council, recognizing the need to allow for large institutions to plan with a comprehensive, long range perspective, amended Resolution 91-017 in order to allow certain types of projects the ability to reserve square footage in the Community Priority Development Allocation Category.

E. On December 13, 1994, the City Council amended the City's S-D-2 Zone to eliminate development plan processing requirements which were different from the requirements of Municipal Code Section 28.87.300.

F. On November 7, 1995, the voters of the City of Santa Barbara amended Charter Section 1508 to create an "Economic Development" floor area allocation category in order to reallocate unused square footage from the "Approved," "Pending" and "Small Addition" allocation categories to nonresidential development projects which promote the economic development of the City.

G. In 1997, the City Council, recognizing the need to allow more flexibility for the expansion of existing businesses during times of economic growth, amended Resolution 96-027 to allow a greater number of Small Addition projects to proceed within the three million square foot growth cap established by Charter Section 1508.

H. In 1999, the City Council, recognizing the need to reaffirm the fairness of the allocation procedure for Small Addition square footage, amended Resolution 97-048 to allow Small Addition square footage to be allocated by lottery.

I. Pursuant to its own language, Charter Section 1508 will sunset as of December 31, 2009.

J. In the Spring of 2007, the City Council initiated the public process for an update of the General Plan known as *Plan Santa Barbara*. It is expected that *Plan Santa Barbara* will result in new policies concerning nonresidential growth during the *Plan Santa Barbara* planning period. *Plan Santa Barbara* will not be finished before the expiration of Charter Section 1508.

K. On July 14, 2009, the City Council adopted an ordinance amending Section 28.87.300 of the Municipal Code extending the regulations relating to nonresidential growth through January 1, 2013.

The City Council extended Section 28.87.300 for the purpose of maintaining the status quo concerning nonresidential growth management until the completion of *Plan Santa Barbara* and to allow for the orderly implementation of the *Plan Santa Barbara* policies regarding nonresidential growth management.

L. In order to maintain the continued operation of the nonresidential growth regulations in their present form, the City Council hereby reallocates 90,000 square feet of floor area from the Economic Development category to the Small Additions category effective January 1, 2010.

M. This Resolution includes the administrative procedures necessary to implement Charter Section 1508 and the Municipal Code provisions through January 1, 2013.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SANTA BARBARA THAT:

The following are the administrative procedures required by Charter Section 1508 and SBMC §28.87.300:

1. Reallocation Floor Area from Economic Development Category to the Small Additions Category.

Pursuant to Municipal Code Section 28.87.300, 600,000 square feet of floor area was allocated to the Small Additions category for the period from 1989 through December 31, 2009. Section 28.87.300 limited Small Additions to no more than 30,000 square feet of floor area per year. At the end of each year, any unused square footage from the annual allotment for Small Additions was transferred to the Economic Development category. By December 31, 2009, the entire allocation of 600,000 square feet assigned to the Small Addition category will have been assigned or developed as Small Additions or transferred to the Economic Development category.

On July 14, 2009, the City Council adopted an ordinance extending the regulations found in Section 28.87.300 through January 1, 2013. In order to provide for a continued allotment of 30,000 square feet per year for Small Additions, 90,000 square feet of floor area is hereby reallocated from the Economic Development category to the Small Additions category, effective January 1, 2010.

2. Minor Additions, Small Additions, Projects on Vacant Property, Government Displacement Projects, and Revisions to Approved Projects. An application for a land use permit for a nonresidential construction project consisting of a minor addition, small addition, project on vacant property, Government Displacement or revision on an approved project, as those terms are defined in Section 28.87.300 of Chapter 28.87 of Title 28 shall be subject to the following procedure:

a. Application.

(1) Minor Additions, Projects on Vacant Property, Government Displacement Projects, and, Revisions to Approved Projects. An application for a land use permit for a nonresidential construction project involving a proposed minor addition, project on vacant property, government displacement project or revision to an approved project shall be submitted to the Community Development Department in accordance with the standard application requirements in place at the time of submittal.

(2) Small Additions. An application for a land use permit for a nonresidential construction project involving a proposed small addition shall be submitted to the Community Development Department in accordance with the following procedures:

(a) **Initial Application Period.** Beginning on January 1 of each year, completed applications for small additions will be accepted for a period of the first two (2) business days of each year. Applications received during this two (2) day period will be reviewed by staff to determine the total amount of square footage requested from the small addition category. If the total amount of

small addition square footage requested is less than or equal to the 30,000 square foot annual allotment, the accepted applications will be allocated square footage in the amounts requested. Subsequent applications for small additions will be accepted on a first-come, first-served basis until the 30,000 square foot annual limit has been reached.

Applications submitted after this point will be returned to the applicant, with the names of the applicants for the next 10,000 square feet of small additions placed on a Reallocation List for use in the event that projects originally accepted are reduced in size, withdrawn, abandoned or denied. All other potential applicants will be advised to reapply in January of the following year.

(b) **Allocation By Lot.** If the total amount of small addition square footage requested exceeds the 30,000 square foot annual limit, priority for square footage allocations will be determined by the casting of lots in a manner deemed appropriate by the Community Development Director. Each proposed development project for which an application has been received will have one lot in the lottery, regardless of the number of small additions requested or the number of properties involved in the proposed project. Projects will be allocated small addition square footage in the order drawn until the 30,000 square foot limit has been reached. Projects which were not drawn during the initial 30,000 square foot allocation will continue to be drawn for priority placement on a Reallocation List for use in the event that projects originally accepted are reduced in size, withdrawn, abandoned, or denied. Subsequent to the lottery, all other potential applicants will be advised to reapply in January of the following year.

b. Action.

(1) Minor Additions, Government Displacement Projects, and Revisions to Approved Projects. An application for a minor addition, government displacement project, or revision to an approved project may be considered even if the project will cause a significant unavoidable environment effect or create a traffic impact in violation of adopted City policies. The discretion to approve such a project upon a finding of overriding considerations rests solely with the reviewing body.

(2) Small Additions and Projects on Vacant Property. An application for a small addition or project on vacant property shall not be approved if the project will cause an unavoidable and unmitigated significant adverse environmental effect (as documented in an environmental impact report) other than a cumulative air pollution impact, or create a traffic impact in violation of adopted City policies, including the Circulation Element of the General Plan.

c. Tracking.

(1) Minor Additions. The cumulative total Minor Additions on a parcel shall not exceed 1,000 square feet.

(2) Minor Additions and Small Additions. Minor Addition square footage developed in conjunction with a Small Addition shall be counted as a Minor Addition. The annual total square footage of such projects shall be subtracted annually from the total square footage available in the Economic Development category. In no case shall the combined total of Small Addition square footage and Minor Addition square footage on a parcel exceed 3,000 square feet.

3. Community Priority Project or Economic Development Project. An application for a land use permit for a nonresidential construction project which has been designated by the City Council as a community priority or economic development project shall be subject to the following procedure:

a. Application. An application for a land use permit for a nonresidential construction project proposed as a community priority or economic development project shall be submitted to the Community Development Department for a recommendation of community priority or economic development status. The following information shall be included in the application packet:

- A completed Master Application form;
- 3 copies of a Plot Plan including the following:
 - Vicinity Map
 - North Arrow
 - Scale (not smaller than 1" = 20')
 - Project address and property owners
 - Land Use Zone
 - Total site acreage
 - Property boundaries
 - Setback dimensions
 - Assessor's Parcel Number(s)
 - Location of proposed Structures
 - Indication of removal of any structures
 - Major trees should be indicated including those proposed for removal
 - Footprint of structures on adjacent properties
 - Location of existing and proposed parking spaces
 - Legend including: net lot area of parcel in square feet and acres, site statistics showing both square footage and percentage of site coverage for all buildings and parking statistics showing the number of spaces required by ordinance and the total number of on-site space (existing and proposed);
- Letter from the applicant containing a description of the project including but not limited to the square footage of existing and proposed structures (consistent with the definition of Floor Area contained in Section 28.87.300 of the Zoning Ordinance), and the square footage associated with any proposed demolition;
- For Community Priority Projects, a Needs Assessment providing Staff and the Council with information necessary to make the finding that the proposed project meets a "present or projected need directly related to public health, safety or general welfare". The content of the Needs Assessment should be as follows:
 - Introduction outlining the proposal
 - Development history of the site; past development activity at the site should be documented, noting types and dates of past permits
 - Existing uses and associated square footage. This section should address the need for expansion and reasons why an allocation is necessary.
- For Economic Development Projects, an assessment providing Staff and the Council with information necessary to make the finding that the proposed project will "enhance the standard of living for City and South Coast Residents and will strengthen the local and regional economy". The content of the assessment should be as follows:
 - Introduction outlining the proposal
 - Development history of the site; past development activity at the site should be documented, noting types and dates of past permits

- Existing uses and associated square footage. This section should address the need for expansion and reasons why an allocation is necessary.
- Documentation of how the project meets the definition of an Economic Development Project in Section 28.87.300 of the Zoning Ordinance.

The staff recommendation shall be presented to the City Council for a preliminary and non-binding identification of community priority or economic development status. The Preliminary Community Priority Designation or Preliminary Economic Development Designation permits acceptance of the application for processing, but does not commit the City Council, or any City agency, board or commission to approval of the project.

b. Action.

(1) If a project is granted a Preliminary Designation as a community priority or economic development project, the project application shall continue through the review process in place at the time of application. The Planning Commission shall, as part of the review, be asked to make a recommendation to the City Council concerning the project's ability to meet the Zoning Ordinance definition of a community priority project or an economic development project found in SBMC Section 28.87.300(B). Should the project not require Planning Commission review as part of the established review process, the Commission shall be asked to consider the application for purposes of making that recommendation only. Once the project review is complete, the application shall be forwarded to the City Council, together with the Planning Commission's recommendation for a Final Designation as a community priority or economic development project.

(2) Reserving Square Footage in the Community Priority or Economic Development Categories. If an application meets the following criteria, square footage in these categories can be reserved without applying for a land use permit. The application process for a reservation shall be the same as outlined in (a) above. In order to be eligible for a reservation of square footage, the project must exceed 10,000 square feet and be a component of a recognized Facilities Master Plan with interrelated phases of construction, which has been reviewed by the Planning Commission and can be fully implemented within 10 years.

For the purposes of a community priority or economic development project square footage reservation, a Facilities Master Plan shall be a plan which includes the following information:

- The potential for short and long range development for the facility and site;
- A brief history of development occurring at the facility;
- Description of the type and number of parking spaces existing;
- Plans to indicate the size and conceptual location of proposed structures;
- Proposed schedule of implementation of each component.

If Council makes the finding that the project meets the Zoning Ordinance definition of a community priority project or an economic development project found in SBMC Section 28.87.300(B), a reservation of square footage in this Category may be granted by a resolution of the City Council for a period not to exceed five years. Prior to expiration of the Resolution, the applicant shall submit a complete application for a land use permit and a Final Designation as a Community Priority or Economic Development Project.

4. Hotel Replacement. An application for a land use permit for a nonresidential construction project which involves the replacement or remodeling of existing hotel rooms on a room for room basis at the same location shall be subject to the following process:

(a) Application. An application for a land use permit for a proposed hotel room replacement project shall be submitted to the Community Development Department in accordance with the standard application process in place at the time of submittal. All applications shall include a site plan identifying the location and size of all existing hotel rooms. An additional site plan showing the proposed size and location of all rooms after the replacement project is completed shall also be submitted.

(b) Action. Hotel room replacement projects shall not be approved if the project will cause an unavoidable and unmitigated significant adverse environmental effect (as documented in an environmental impact report) other than a cumulative air pollution impact, or create a traffic impact in violation of adopted City policies, including the Circulation Element of the General Plan.

5. Resolution No. 99-036 is hereby rescinded.

Adopted June 30, 2009.